

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

IN RE:  
PETER NINETE LIZAMA  
JERRILYN DUENAS LIZAMA

CASE NO: 14-60299 - RBK

Debtors

CHAPTER 13

**TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTORS'  
PROPOSED CHAPTER 13 PLAN**

COMES NOW RAY HENDREN, the Chapter 13 Trustee in the above captioned case, and moves this Honorable Court to deny confirmation of Debtors' proposed Chapter 13 plan . In support, the Trustee would represent to the Court the following:

1. Debtors filed a voluntary petition on April 02, 2014. The meeting of creditors was held and concluded on May 19, 2014. The confirmation hearing is scheduled for June 11, 2014. The plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral, and approximately 58% of each unsecured allowed claim.
2. The debtor's Form 22C indicates that he is above median income and that the applicable commitment period is 5 years. The debtor's Form 22C states that the monthly disposable income under §1325(b)(2) is \$1,599.60. The Trustee requests the debtors remit payment advices for the entire 6 month reporting period beginning October 2013 through January 2014 for the debtors to verify income. The Trustee has previously received payment advices for February and March 2014. The Trustee objects to and requests the debtor verify the following expenses: Line 31, involuntary deductions for employment in the amount of \$394.07, Line 35, childcare in the amount of \$300 and Line 37, telecommunication services in the amount of \$100. The Trustee asserts the following expenses are overstated: Line 50 Chapter 13 administrative expenses in the amount of \$577.87. The Trustee's requests the debtors amend the B22C to accurately reflect correct expenses and recommends the debtors increase plan payments in order to comply with § 1325(b)(3).
3. The debtors propose to retain and pay through the Chapter 13 Plan vehicles that are not necessary. Debtors are proposing to retain and pay through the Plan a 2011 Triumph Motorcycle and a Kawasaki Jet Skit. Further, the debtors propose to retain and pay through the Plan a 2013 Toyota Tundra with a filed claim in the amount of \$44,290.13 and a 2010 Toyota Sequoia with a filed claim in the amount of \$42,966.20. Amortized over the 60 months of the Plan, the Toyota Tundra is has an average payment of \$731.88/mo and the Toyota Sequoia has an average payment of \$728.78/mo. These payments exceed the IRS standard for vehicle payments of \$515 a month for each vehicle and that vehicle payments totaling \$1,460.66/month is unreasonable and excessive. The Trustee asserts that the

debtors could obtain more economical transportation and repay a greater percentage of their debt.

WHEREFORE, PREMISES CONSIDERED, the Chapter 13 Trustee Ray Hendren requests that the Court deny confirmation of the proposed Chapter 13 Plan, allowing Debtors 28 days from the date of hearing to amend the plan in accordance with the terms of the Trustee's objections as stated above or dismiss or convert the case or face dismissal of the case without the need for a further hearing upon the Trustee's submission of an Order Summarily Dismissing Case. The Trustee further requests such other and further relief to which he may show himself justly entitled.

Dated: May 28, 2014

Respectfully Submitted

/s/Ray Hendren

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United States Bankruptcy Court  
Western District of Texas  
Waco

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**CERTIFICATE OF SERVICE**  
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I, Ray Hendren, hereby certify that a true and correct copy of the attached document was served upon the following parties via electronic means as listed on the Court's ECF noticing system or by regular mail on **May 28, 2014**.

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/s/ Ray Hendren

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